

LAND USE ELEMENT

The Land Use Element has the broadest scope of the seven mandatory elements. It plays the central role of translating all land use issues into a set of uniform and consistent goals, objectives, policies and programs that relate directly to all other Elements. For these reasons, it is the most visible and often used Element of the General Plan. Although all General Plan Elements carry equal weight, the Land Use Element is often perceived as being the most representative of the "General Plan."

The Land Use Element designates the proposed general distribution, location, and amount of land uses for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private land uses. The emphasis is on the desired distribution of land uses throughout the City.

LAND USE ELEMENT

I. INTRODUCTION AND PURPOSE

A. BACKGROUND

The development and use of land in a community can dramatically affect the quality of life in that community for residents and employees. The availability, type and cost of housing helps determine the number of people who live in the community, their relative age, and the relative proportion of school-age children. Access to commercial, retail and employment areas can influence whether residents spend substantial time commuting to work in other areas or doing business shopping trips in other communities. The placement of commercial and residential uses can affect whether residents or workers can walk, use bicycles, and

LAND USE ELEMENT

The Land Use Element has the broadest scope of the seven mandatory elements. It plays the central role of correlating all land use issues into a set of coherent and consistent development guidelines. Its goals, objectives, policies and programs relate directly to all other Elements. For these reasons, it is the most visible and often used Element of the General Plan. Although all General Plan Elements carry equal weight, the Land Use Element is often perceived as being the most representative of the "General Plan."

The Land Use Element designates the proposed general distribution, location, and extent of land uses for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private land uses. The emphasis is on the desired or intended future development of the City.

I. INTRODUCTION AND PURPOSE

A. BACKGROUND

The development and use of land in a community can dramatically affect the quality of life in that community for residents and employees. The availability, type and cost of housing helps determine the number of people who live in the community, their relative age, and the relative proportion of school-age children. Access to commercial, retail and employment areas can dictate whether residents spend substantial time commuting to work in other areas or driving to/from shopping areas in other communities. The arrangement of commercial and residential uses can affect whether residents or workers can walk, use bicycles, and

public transportation to commute or for shopping trips, or whether they must use private vehicles. Access to parks and recreation facilities can expand the opportunities for use of leisure time. The presence and protection of undeveloped open space can enhance a community's identity and can avoid subjecting residents and businesses to landslides and other hazards. In these ways, and many others, the development and use of private and public property set the "Stage" upon which residents, local workers and visitors live their lives.

B. PURPOSE

The Land Use Element provides long-term direction and guidance to development within the City, including policies, programs and actions for managing the development of private and public property in Hercules. The Preamble to this Element sets forth the goals of the General Plan in regards to development. It is the intent that these goals will result in a "full service community that maintains a desired quality of life, while providing for a wide range of residential, commercial shopping, employment and recreational opportunities.

The Land Use Diagram (see Figure IV.A.3 as included in the Draft EIR) illustrates the general proposed distribution of the land use categories described in this Land Use Element. The Diagram is intended to serve as a general guide to future land uses. Zoning classifications, consistent with the land use categories, will be established for this purpose in the Zoning Ordinance and Zoning Map. The proposed transportation system and policies regarding transportation are addressed in the Circulation Element.

C. AUTHORITY

California law requires cities and counties to adopt Land Use Elements of their General Plans (ref. California Government Code Section 65300 et.seq.). Section 65302(a) states:

"A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The Land Use Element shall include disposal facilities, and other categories of public and private uses of land. The Land Use Element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The Land Use Element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The Land Use Element shall designate, in a land use category that provides for timber production, those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982. Chapter 6.7 (commencing with Section 51100) of Part 1 of Division of 1 of Title 5."

The Land Use Element is divided into four main sections. They are as follows:

- Existing Land Use, Projections and Background
- Land Use Issues and Concerns

- Land Use Goals, Objectives and Policies
- Land Use Plan

While the general character of the City has been established by past land use decisions, there are many such decisions to be made in the future which must recognize and protect the existing character of the community, as well as provide a balance of new land uses to assure maintenance of the quality of life aspects sought by Hercules and to maintain economic viability.

EXISTING LAND USE AND PROJECTIONS

A. BACKGROUND

As described in the Preamble, Hercules began as a company town, and was incorporated in 1900 to allow the powder company to control the land around the plant facilities. In 1964, production of fertilizer replaced the production of dynamite and black powder. In 1974, the fertilizer operation ceased, and Hercules, Inc. began selling the plant property to developers.

In 1974, Hercules had approximately 150 residents. By 1993, the number of residents had grown to 18,618. This explosive growth created a modern suburban community that included four convenience shopping centers and two employment centers. However,

development of the commercial and employment areas did not keep pace with the residential growth, and did not fulfill the vision of a balanced community. In order to rectify this situation, the City Council gave priority to commercial and employment development that could help maintain the quality of life in Hercules. In 1993, a citizens task force ("Community Panel") evaluated and recommended a new land use concept that responds to this emphasis. This concept is incorporated into this revised Land Use Element.

B. 1993 LAND USE

By 1993, most of the residential portion of Hercules had been developed, while much of the commercial and employment areas remained vacant. The following is a summary of the existing and projected development, as well as key issues and agencies that impact the community.

1. Residential

According to State Department of Finance projections, on January 1, 1995, Hercules had a population of 18,900 in 6,345 condominiums, apartments and houses. While the proportion of condominiums in Hercules has increased since 1980 as a number of new condominium developments were built, most residents live in single family homes. In addition, most City residents owned their residence.

2. Employment, Retail and Services

Business in Hercules provide relatively few jobs or shopping and service opportunities. Most residents must commute to work and drive to shopping areas. According to the Association of Bay Area Governments, in 1990 Hercules had about 2,430 jobs; major employers include Bio-Rad Laboratories, Richmond Unified School District, and Mechanics Bank. The amount of employment grew only slowly during the 1980's and did not keep pace with the residential growth. At the same time, Hercules had 9,431 employed residents¹. Even if Hercules residents held all these jobs, about 7,000 residents would have to commute outside the City to work. In actuality, probably almost all employed residents out-commute to work.

Retail businesses in Hercules provide a limited range of shopping and service opportunities, which include food, drugs, video rentals, and other "convenience" goods. However, most of the residents must leave Hercules to shop for goods and services beyond these basis essentials.

3. Public and Semi Public

Schools: Hercules is served by two school districts: West Contra Costa Unified School District (WCCUSD) and John Swett Unified School District (JSUSD). The Foxboro area (east

¹employed residents: persons living in Hercules who work outside the home.

of I-80 and north of SR 4) is in the JSUSD, and WCCUSD serves the rest of the City. At present WCCUSD operates three elementary schools. Hannah Elementary School officially opened in January 1995. Historically, some WCCUSD students have attended elementary school in Pinole; with the opening of the new elementary school, all WCCUSD elementary students will be able to attend school in Hercules. All JSUSD Hercules elementary students attend Hillcrest Elementary School in Rodeo.

At present, WCCUSD Hercules students attend middle and high school in Pinole. WCCUSD will begin construction of a combined middle/high school in Hercules in the Spring of 1996. It is intended that all WCCUSD Hercules students will attend the combined school. JSUSD Hercules students attend middle and high school in Crockett.

City: The City Administrative Offices are located in the Civic Center, on the west side of Sycamore Avenue, east of the Creekside Shopping Center. The Civic Center site also includes the Senior Center and a temporary office building that is leased to the Chamber of Commerce.

The City owns and operates a 375,000 gallon per day wastewater treatment plant that is located west of the intersection of San Pablo and Sycamore Avenues. Additional City treatment capacity of 2.0 million gallons per day is provided at the Pinole-Hercules Treatment Plant, which is located at the west end of Tennant Avenue in Pinole.

Utilities: Pacific Gas and Electric (PGE) maintains an electricity substation along Bayberry Avenue (east of the I-80 off-ramp) and owns a 44-acre site between I-80 and San Pablo Avenue, north of John Muir Parkway, that contains four oil storage tanks and a pump station. The Circulation Element describes the underground pipelines that traverse the City. All utility services to residences and businesses are provided in underground mains, cables and lines.

State Agencies: CalTrans operates a maintenance yard on Bayberry Avenue (east of the I-80 off-ramps and the PGE substation). The Bay Area Rapid Transit District owns a seven-acre site bounded by I-80, Sycamore Avenue, San Pablo Avenue and John Muir Parkway that is ~~to be~~ developed with a transit transfer center. The relationship between this transit center and the local and regional circulation network is discussed in the Circulation Element.

4. Agricultural and Natural Resource Lands

The incorporated area of Hercules includes no land used for agricultural purposes or containing significant natural resources. The upland portion of the Franklin Canyon Golf Course property was used seasonally for grazing cattle in the past, but this use was discontinued before the property was annexed. Indian midden sites have been identified in some of the developed areas of the City. These sites generally have been left undisturbed, with the site and the surrounding area ~~has been~~ designated as open space. In cases where

preservation-in-place has not been possible, the archaeological resources in these sites have been recovered before the area has been developed.

Some of the properties in the Sphere of Influence are used seasonally for grazing cattle. One property is under an agricultural preservation contract (Williamson Act). Although the owner has filed a notice of non-renewal for the contract, pursuant to State law, this contract will expire in 2001.

5. Areas Subject to Flooding

Refugio Creek traverses the City from southeast to northwest and drains much of the community; the southwest corner of the City drains to Pinole Creek, and, the Franklin Canyon Golf Course property and the Sphere of Influence properties are drained by Rodeo Creek. As each neighborhood and subdivision was developed, flood control improvements were constructed to eliminate flood hazards. As a result, areas subject to flooding by a the 100-year storm are limited to creek channels and adjoining open space corridors, with one exception. The portion of the Refugio Creek basin that is west of San Pablo Avenue has not been developed, and a substantial portion of that area is subject to flooding. The Safety Element describes and maps these areas and provides policies so that the areas shall not be developed until flood control improvements are made to eliminate flood hazards.

At the Franklin Canyon Golf Course property, limited portions of the golf course immediately adjacent to Rodeo Creek are subject to flooding, as are similar areas downstream in the Sphere of Influence. In the community of Rodeo (which is not in Hercules' Sphere of Influence), Rodeo Creek flows in a concrete lined flood-control channel.

C. PROJECTIONS

The Association of Bay Area Governments (ABAG) prepares population and employment projections for cities and counties in the nine-county Bay Area. ABAG research was used as a comparative reference for projections performed by the City of Hercules in formulating this Land Use Element; however, local growth considerations and potential development trends were key factors in determining the projections and land use recommendations contained herein. The figures below indicate an aggressive development effort by the City consistent with City policy as embodied in the Economic Development Element.

By 2010, Hercules' population is projected to increase to 32,719, and the number of jobs in Hercules would grow to 18,608 consistent with the proposed changes to the Land Use and Circulation Elements. In general, the City's population is expected to grow through 2010, approximately equaling the growth rate for the County and slightly above the rate for the Bay Area. However, development trends are ever-changing and it is important to stress the optimal economic development characteristics of Hercules at the juncture of Highway

4 and Interstate 80. Thus, City staff analysis anticipates sizeable population and employment growth as evidenced above.

In 2010, Hercules is expected to continue to have substantially more employed residents than local jobs and most residents will continue to commute to work.

LAND USE ISSUES AND CONCERNS

This Land Use Element is intended to respond to and address a number of community issues and concerns in order to achieve the General Plan goals. The issues and concerns are as follows:

- Development of the commercial and employment areas has lagged behind the residential growth, resulting in a community that has not achieved a balance between jobs and housing;
- Lack of retail and service opportunities require residents and local employees and businesses to shop outside the City;
- Most residents must drive out of the community to reach employment or recreation areas;
- Substantial regional traffic on I-80, SR 4 and San Pablo Avenue create the opportunity to develop local and regional commercial uses;

- Refugio Creek provides a major environmental amenity for both adjoining properties and the community;
- State law requires the City to allow development of new residential units and areas as part of meeting the regional need for additional affordable housing;
- The City's location in the Bay Area both provides a high quality living environment and close access to regional shopping and cultural attractions and accordingly, the City needs to help solve regional problems and issues;
- If not controlled, vehicular traffic and other off-site effects from employment and commercial areas could impact existing residential neighborhoods;
- The land use plan and the circulation system need to be closely coordinated. In particular, traffic from new development should not overwhelm the carrying-capacity of the circulation system.

As noted, important issues have been recognized in the community. First, the land use goal is to accomplish a "balanced mixture" of activities and uses. Diversity means that the City can accommodate change over time. Since Hercules is primarily residential now, achieving balance means that an emphasis will be placed upon attracting commercial, office and industrial uses.

LAND USE GOALS, OBJECTIVES, AND POLICIES

GOALS

The goals of the Land Use Element are:

Preserve and enhance the community's quality of life with well balanced growth and development.

Enhance and create a community with a wide range of choices, services, and amenities.

The Land Use Element is guided by four major concepts, which were defined by the community panel. The concepts are as follows:

- 1) Extending the linear park along Refugio Creek westward from San Pablo Avenue to San Pablo Bay. The creek corridor in the eastern portion of the City provides a major amenity, and extending the corridor to the Bay would provide a similar attraction in the western portion of the City. It would also establish the creek corridor as a major urban design element for the entire community.
- 2) The junction of two major state highways offers major opportunities for retail development. Land near the I-80 and SR-4 interchange and along SR-4 should be designated for general commercial use.
- 3) New business, and the resulting jobs and business opportunities, can most easily be accommodated at the vacant property between the commercial area noted in #2 above, and the existing employment areas.

- 4) A limited amount of new residential development should be allowed on vacant properties that adjoin existing neighborhoods and that are more closely associated with these neighborhoods than the employment or commercial areas. Buffers should be established between the residential and non-residential areas.

OBJECTIVES, POLICIES AND PROGRAMS

OBJECTIVE 1

Achieve a level of population and employment which preserves and enhances the desired character of the community.

Policy 1A

Encourage and only allow development that is consistent with the Land Use Diagram (see Figure IV.A.3 as included in the Final ~~Draft~~ EIR), Land Use Categories; and ~~or~~ objectives, policies and programs of the Land Use Element.

OBJECTIVE 2

Develop a community that balances housing, jobs, and commercial opportunities.

Policy 2A

Commercial and industrial development shall be consistent with gross intensity ranges in the Land Use Diagram (see Figure IV.A.3 as included in the Final ~~Draft~~ EIR) and Land Use Categories. Higher intensity may be considered if such development is consistent with the

City's goals and policies. However, each project with a proposed higher intensity would be subject to site-specific environmental analysis to determine incremental impacts.

Commercial and industrial development is to occur at the "typical" or "mid-range" FAR and be capped by maximum development intensity specified in the Land Use Element.

Policy 2B

Develop non-residential Land Use Categories which reduce the need for residents to leave the community by providing a variety of shopping and service opportunities.

Program 2B.1

Target selected retail, service and employment opportunities that will meet the needs of the residents and develop a marketing program to attract these targeted opportunities.

Policy 2C

Emphasize employment generating development, which is lagging behind residential development.

Program 2C.1

Implement the Economic Development Strategy and conduct a periodic ~~an annual~~ assessment of the effort and results.

Program 2C.2

Develop the necessary financial and non-financial tools to be used to locate commercial and employment generating development and to provide incentives where appropriate. When incentives are provided, the City and/or Redevelopment Agency may seek a financial return on such incentives (e.g. loans, equity position, etc.).

Program 2D

~~Develop a program that gives~~ Give favorable consideration to new retail development that would generate substantial new sales, for businesses that would provide substantial employment, high growth technical businesses (particularly bio-tech, flex office and incubator uses), health care services, restaurants and innovative mixed use development proposals.

OBJECTIVE 3

Achieve a rate of growth that is consistent with the provision of public facilities and services, that balances jobs, commercial, and housing opportunities, and also protects the quality of life in the community.

Policy 3A

Develop transportation facilities to provide access to the region, particularly public transit systems (buses, ride sharing, rail transit, as well as potential over-water transit).

Program 3A.1

Provide assistance and support a regional rail transit system and seek funding for a train station in Hercules.

Program 3A.2

Work with BART to develop both short-term and long-term transit facility uses on the BART site in Hercules including commercial-retail uses or rail line extensions.

Program 3A.3

Analyze the existing public facilities and services compared to those needed to be developed as provided for in this Element. Develop a plan to meet the public facility and service needs, including a financing plan.

Policy 3B

The Land Use Element and Circulation Element need to be closely coordinated to insure that traffic from new development will not overwhelm the carrying capacity of the circulation system.

Program 3B.1

The planning and development of commercial and industrial areas should evaluate and minimize the effects on existing residential areas.

Policy 3C

Reasonable traffic flow and direct access between neighborhoods should be provided or preserved, where feasible.

Policy 3D

Create a strong and successful focus or center for business and activities that would provide services, shopping opportunities which would attract employees, clients, and patrons from a regional area, while not disturbing existing residential and community oriented areas.

OBJECTIVE 4

Develop sufficient employment and commercial tax generating uses to maintain a positive City government fiscal condition.

Policy 4A

Encourage local and regional commercial uses that can benefit from substantial regional traffic on I-80, SR-4, and San Pablo Avenue.

Policy 4B

Encourage uses that bring additional revenues (retail sales, property tax) either directly or indirectly to the City.

Program 4B.1

Analyze the City's retail sales and property tax generation, as compared to Regional and State averages, and identify and target those sectors where the City is underserved.

OBJECTIVE 5

Develop and maintain a pattern of residential land uses which provide for a variety and balance of densities and opportunities for a mix of dwelling and residential type.

Policy 5A

Residential development shall be consistent with gross density ranges in the Land Use Categories and with the Land Use Diagram (see Figure IV.A.3 as included in the Final Draft EIR). However, when reviewing and considering a development proposal, the City will assume a density at the mid-point of each density category as the "starting point" in determining appropriate residential densities. ~~Higher densities may be permitted that are consistent with State density bonus requirement subsequent to appropriate environmental review. Lower densities may be permitted only when specific findings are made by the Planning Commission. The findings are:~~ Densities may be adjusted downward based upon

such considerations as market conditions, site constraints, and neighborhood compatibility; densities may be adjusted upward based upon site characteristics, the provision of affordable housing, the provision of community amenities or services; and the capability of a proposed development project to further specific goals, policies or objectives of the General Plan.

- ~~— The development would be compatible with the surrounding neighborhood and would not have a detrimental effect on existing or future multi-family development, or on existing or future commercial development.~~

The goal of development throughout the City has been calculated at the mid-range density level with an overall buildout of 2,525 units.

- The reduced density will not prevent the City from achieving its goals for low and moderate income housing, as set forth in the Housing Element.

Policy 5B

State law requires the City to allow development of new residential areas and units as part of meeting the regional need for housing.

Program 5B.1

Review on a periodic basis the affordable housing needs identified in the Housing Element and encourage provision of housing to meet those needs.

Program 5B.2

Encourage development of innovative types of housing, including co-housing, congregate care facilities, and other types of housing that may provide low cost alternatives to typical market-rate housing.

Policy 5B.3

New residential development will include a minimum 10% of the total number of units for affordable housing. No in-lieu fees will be accepted by the City unless the developer can establish extenuating circumstances for not providing affordable housing. Provision of actual inclusionary housing units will be strongly preferred over the payment of in-lieu fees.

Policy 5C

Provide additional affordable and/or senior citizen housing.

Policy 5C.1

Develop an affordable housing strategy which includes an inclusionary requirement of providing a minimum of 10% of the residential units for affordable housing, an implementation plan and financial and non-financial incentives for the development of such housing.

OBJECTIVE 6

Provide residential neighborhoods with a variety of cost ranges disbursed throughout the City.

Policy 6A

Larger scale residential development should, within its land use designation and density range, and recognizing features such as topography and feasibility, include a mix of dwelling types.

Policy 6B

Multi-family residential land should be developed with a balance of open space, landscaping, and recreational amenities and should be accessible to commercial and recreational areas and public transportation.

Policy 6C

Wetlands mitigation, flood control improvements and riparian corridors should not be used in the calculation of required park space, parks, or recreational areas.

OBJECTIVE 7

Achieve a pattern of development that is consistent with the City's desired image.

Policy 7A

Establish a visual identity for the City that distinguishes it from the surrounding areas.

Program 7A.1

Provide landscaping along major regional streets and highways. This landscaping should soften the appearance of traffic and parking along these routes, while allowing view corridors to retail and other businesses.

OBJECTIVE 8

Preserve Hercules history while developing its future.

Policy 8 A

Preserve and enhance the historic district area.

Program 8A.1

Develop plans to preserve and rehabilitate key historic buildings but not the former plant equipment and manufacturing structures related to former industrial sites.

Program 8A.2

Prepare a detailed study of the Historic Town Center and adjoining area (including Hercules Point) in order to define the appropriate mix of public and private land uses, design guidelines, preservation of key buildings, vegetation (e.g. trees) and trails.

Program 8A.3

Designate the Hercules Properties, Inc. parcel as a "special study area" which requires a "planned unit development" since the HPI parcel contains the following characteristics:

- = Historic significance and existing historic buildings.
- = Opportunities for mass railroad facilities.
- = Drainage and hydrology issues.
- = Bay frontage location.
- = Diversity of land uses.
- = Significant coordination with adjacent properties needed due to diversity of land uses and complex infrastructure requirements.

The Hercules Properties, Inc. parcel may be developed differently from the land uses configured in the Land Use Map shown in Exhibit _____.

OBJECTIVE 9

The City shall consider economic feasibility as a factor in the development review process within the framework of the General Plan.

OBJECTIVE 10

Provide recreational and cultural amenities within the community that meet the needs of the residents and workers.

Policy 10A

Promote development of a regional commercial recreation center or complex along, or adjacent to, the major transportation routes (I-80, SR4, and San Pablo Avenue).

Policy 10B

Create places for residents and workers in the community to meet and socialize.

OBJECTIVE 11

Participate and cooperate in regional and sub-regional planning activities.

Policy 11A

Cooperate with appropriate jurisdictions and/or agencies in preparation of State Mandated Regional Plans (e.g. Congestion Management and Source Reduction and Recycling Element).

Policy 11B

Participate in regional and sub-regional planning and traffic issues to better address the potential regional impacts upon the community.

OBJECTIVE 12

Encourage mixed use development that provides for an integrated mixture of residential and employment generating uses within the same structure.

OBJECTIVE 13

Minimize the impacts from incompatible land uses on existing and planned development areas.

Policy 13A

Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). The transition should separate land uses that might be incompatible if located in close proximity. Land uses must minimize adverse impacts and those that would not negatively impact adjoining properties should be encouraged.

Program 13B

Design of flood control improvements along Refugio Creek should be done in a manner to function as a transition area between land uses.

Program 13C

Strongly encourage cooperation and joint planning by and among owners of large parcels during the land use planning and entitlement process; this effort would include such items as master hydrology and circulation plans, joint studies and cooperative infrastructure development.

OBJECTIVE 14

Protect and enhance significant environmental attributes and features.

Policy 14A

Develop trail systems, open space, and other amenities that benefit the quality of life in the community.

Program 14A.1

Establish a strong and continuous system of trail links between the hills in the southeastern end of Refugio Valley and San Pablo Bay.

Program 14A.2

Establish a trail linkage between Pinole and Rodeo as part of the regional bay access trail; this trail may without encroaching upon private property or bluffs within the Hercules industrial area.

Program 14A.3

Continue to improve and protect Refugio Creek as a major environmental amenity.

Policy 14B

Preserve the existing natural topography through a good faith effort maintaining existing contours, restricting grading, excavation and filling practices, and preserving ridgelines and valleys.

OBJECTIVE 15

Provide for public, semi-public and non-profit uses and activities throughout the community.

Policy 15A

Public, semi-public and non-profit uses may be allowed in commercial and industrial land use categories, if the type of use and level of activity is compatible with uses and activities allowed in that land use category. As an example, corporation yards and utility substations may be allowed where industrial uses are allowed.

Program 15A.1

Develop language in the Zoning Ordinance to permit public, semi-public and non-profit uses in commercial and industrial land use categories, ~~subject to the requirements~~ consistent with the purposes of the land use category. ~~within.~~

LAND USE PLAN

The Land Use Diagram (see Figure IV.A.3 as included in the ~~Draft~~ Final EIR) illustrates the location of the different land uses in Hercules. The Land Use Diagram is based upon the goals of the General Plan, the City's Economic Development Strategy, and the community's vision for a balanced community.

The Land Use Diagram (see Figure IV.A.3 as included in the ~~Draft~~ Final EIR) identifies specific Land Use Categories. The definition of these categories and the allowed intensity and/or density of such land uses must be defined. The intensity, bulk, and scale of commercial development will be measured in terms of the allowable Floor Area Ratio (FAR). FAR is the ratio of allowable building floor area to size of the lot. Specifically, the gross floor area of a building divided by the lot area produces the FAR. Thus, a FAR of 0.3 for a 100,000 square foot lot could allow a building whose total floor area is 30,000 square feet.

It is important to note that when used alone, FAR gives a developer great flexibility in deciding whether to build a low building that covers more of a lot area or a taller building that covers a smaller portion of the lot. FAR is used in combination with other intensity

regulations, height limits, setbacks, open space, parking and building requirements, which are part of the Zoning Ordinance, and guide the final intensity of development.

Residential development is typically measured by density. The density is the number of residential units per acre. A ten acre site, which allows 8 units per acre, could result in 80 residential units (not taking into consideration other issues/constraints). The design of such development, such as whether the 80 units are clustered or spread out, is governed by height restriction, use (single family versus multi-family) and building regulations. (The updated residential land use categories assume a population density derived by multiplying 2.89 persons per household times the units per acre). Residential development shall be consistent with gross density ranges in the Land Use Categories and Land Use Diagram (see Figure IV.A.3 as included in the ~~Draft~~ Final EIR). However, when reviewing and considering a development proposal, the City will assume a density at the mid-point of each density category as the "starting point" in determining appropriate residential densities. Densities may be adjusted downward based upon such consideration as market conditions, site constraints, and neighborhood compatibility; densities may be adjusted upward based upon site characteristics, the provision of affordable housing, the provision of community amenities or services, and the capability of a proposed development project to further specific goals, policies or objectives of the General Plan.

The land use categories and designations are detailed below. These designations have been set forth based upon a Master Environmental Assessment, existing development within the community, and the general development constraints within Hercules. The existence of one or more site specific development constraints could limit the use of a property or limit the

development to less than the intensity or density standards set forth herein. Such constraints could include, but are not limited to the following: geotechnical conditions, topography, grading impacts, ~~significant~~ environmental issues, archeological sites, faults, drainage and other factors.

Where development constraints are found to exist during the detailed site planning process or other detailed levels of the development approval process, the General Plan assumes that the density, intensity and extent of development may be reduced, based upon the goals, objectives, policies and programs of this Element. All intensity, density and population measures are calculated on gross acreage, prior to public streets, public easements, and other public dedications from the site acreage.

The following are the Land Use Categories, including the density or intensity of development, (and population generated by residential uses) for land uses shown on the Land Use Diagram (see Figure IV.A.3 as included in the Draft EIR). On the average, considering all residential development recommended in the Land Use Element, residential development shall be developed at the mid-range density within each residential land use category.

Land Use Element, Single Family - Medium Density (SFM), "Mid-range density:
9 units/acre"

Land Use Element, Multi-Family - Low Density: (ML), "Mid-range density: 9 units/acre"

Land Use Element, Multi-Family - Medium Density: (MM), "Mid-range density: 20 units/acre"

Land Use Element, Multi-Family - High Density (MH), "Mid-range density: 42 units/acre"

The goal of development throughout the City has been calculated at the mid-range density level with an overall buildout of 2,575 units.

Commercial and Industrial Land Use Designation

All of the Land Use Categories below use FAR (Floor Area Ratio) ranges, as well as a typical FAR. The typical FAR shall be the maximum allowed unless a development meets a specific goal, policy, objective or program of this Element. In such a case, a development may build to the higher end of the range. A development at a FAR higher than the typical will require additional analysis of its impacts (i.e. traffic, etc.) before entitlement action is determined and considered by the City.

Historic Town Center: (HTC) - The former administrative center, and some residences of the Hercules Powder Company, may be an important historical asset of Hercules. The Historic Town Center designation is to allow the reuse of existing structures, where appropriate, and the addition of new buildings, while maintaining the architectural character of the area and incorporating into the design the visual and physical access to the adjoining Bay Shoreline. View corridors and vista points will be established to protect and promote the views to the Bay. Uses within this land use designation shall include professional, administrative, and personal service offices (e.g. real estate, travel agent, etc.), as well as retail businesses. Retail and other commercial uses shall include business support service, restaurants and coffee shops, specialty shops and other businesses that support the professional and administrative offices, as well as uses that provide goods and services to visitors of the adjoining waterfront area. The predominance of these uses shall be located in close proximity to Railroad Avenue which is intended to be the "Main Street" of this area.

Areas separated from Railroad Avenue by existing or planned buildings shall be developed with either uses described above or with multi-family dwellings. This residential development will be allowed so long as the existing or planned non-residential uses would be compatible with the residential living environment.

The design and character of uses and buildings in this land use category is critical. The Historic Clubhouse is to be retained as a public community center. Existing buildings

should be retained, where feasible, and may be expanded as long as the existing character is maintained.

The FAR for the non-residential category shall range from 0.15 to 0.40, with a typical FAR of 0.20 for the land use designation area. The density for residential shall be 17 units per acre, with no more than 40 units to be developed in total (about 50 persons per acre; up to approximately 115 persons).

~~A specific plan shall be developed which will~~ planned unit development process will be used to refine the intensity of commercial development and density of residential development, as well as location of such development. ~~and d~~Development guidelines will be prepared.

Waterfront Commercial: (WC) - This land use category encompasses a portion of the Hercules Point that may allow private development. Hercules Point is approximately 15 acres. State and Federal agencies will likely require much of this area to be set aside for public access or to preserve wetlands adjacent to San Pablo Bay. However, a portion of this area may be developed. The commercial uses allowed shall provide goods and services for visitors to the public access areas. Typical uses would include restaurants, bait-and-tackle shops, and other visitor-oriented uses. Other uses may include:

- Recreational boat yard, maintenance and launching facilities
- Water oriented recreational instruction facilities

- Administrative offices, and other appurtenant uses
- Food, beverage, sundries, and recreational equipment sales
- Public transportation facility (ferry and charter boat service)
- Fishing Pier

The open character and the views of the Bay are a very important asset of this portion of the community, and the design of any structures must preserve and enhance the enjoyment of the meeting of land and water. The amount of development shall be limited. Substantial public access to the shoreline shall be provided. The FAR for this category shall range from 0.15 to 0.30, with a typical FAR of 0.20.

General Commercial: (GC) - This land use category is a non-specialized commercial designation that is intended to permit a wide variety of commercial uses. Businesses locating within this district will attract clientele from both Hercules and the adjacent communities, as well as those using I-80 and Highway 4. Uses allowed within this designation include retail, wholesale (open to the public), offices (business, professional and service), and other business serving the clientele described above. Uses in this designation may also include automobile service stations, restaurants, and automobile repair services, provided that the location and design of these uses effectively mitigate any potential off-site impacts.

The character of buildings within this land use category will typically be suburban in nature, one to two stories in height. More intense development may be allowed, provided that it ~~they~~ conforms to the overall character of the development and does not adversely impact the surrounding development. The FAR for this category shall range from 0.20 to 1.00. A typical FAR for this category is ~~0.03~~ 0.30.

Community Commercial: (CC) - This land use category is intended to accommodate commercial development, including retail, office, and service uses that would serve residents and employees within the City. Generally, the location of these properties and the resulting lack of direct access and visibility from regional routes effectively excludes businesses that require patronage from a regional market area. The FAR in this category shall range from 0.20 to 1.00, with a typical FAR of 0.25.

Recreational Commercial: (RC) - This land use category is intended to allow properties to be developed and used for recreational activities that are conducted as a business. Examples of such uses include a golf course, driving range, batting cages, athletic clubs and amusement centers. Development of these properties may also include sporting retail uses, such as sporting good stores, restaurants, cafes, bars, that contribute to creating a full-service commercial recreational facility. Parcel sizes shall vary from less than one acre (batting cages) to more than 100 acres (golf course). Building intensity shall also vary widely, according to the need for interior space as part of the activity. The FAR in this category shall range from 0.20 to 0.40, with a typical FAR of 0.30.

Commercial/Public: (CP) - This land use category allows transit related uses. Over time, property within this land use designation has the potential to combine transit uses with commercial development, consistent with the "General Commercial" designation, described above. The FAR for this land use category shall not exceed the FAR allowed in "General Commercial."

Planned Office/R&D: (PO/RD) - This land use category is intended to provide areas of adequate size and access to support development of a wide variety of employment-oriented business and enterprise complexes. Development of properties in these areas shall be governed by ~~specific area plans~~ Planned Unit Developments (PUD's) ~~or master plans~~. Subdivisions or other entitlements shall not be approved unless and until a master plan for the property has been approved. The ~~master plan~~ PUD's shall include provisions for sewer capacity and other infrastructure, access to public streets, adequate parking, architectural guidelines or controls, and landscaping. The predominate uses in these areas shall include research and development uses, administrative offices, and manufacturing. Offices and retail service establishments serving nearby businesses and their employees shall also be allowed in this designation. Warehouse, distribution, or wholesale uses may be appropriate in these areas, if they serve or are essential to businesses in Hercules. The FAR for this category shall range from 0.25 to 1.00, with a typical FAR of 0.30.

Planned Commercial - Industrial: (PC-I) - Properties with this land use category are intended to accommodate commercial or industrial uses. They are located along I-80 and SR-4 and

are visible from these routes, but have limited access. The visibility from the freeways is critical and must be preserved for these properties to be developed as commercial uses. Allowable commercial uses shall include retail, administrative office, service office, and similar uses. Allowable industrial uses shall include research and development, manufacturing, and business industrial services. Warehouse, distribution, or wholesale uses may be allowed in this area, if they directly serve or are essential to businesses in Hercules. Development of properties with this designation shall be governed by planned unit development ~~master plans~~, and subdivisions or other entitlements shall not be approved unless and until a planned unit development plan ~~master plan~~ for the property has been approved. The ~~master~~ planned unit development plan shall include provisions for sewer capacity and other infrastructure, access to public streets, adequate parking, architectural guidelines or controls, and landscaping. The FAR for this category shall range from 0.25 to 0.50, with a typical FAR of 0.30.

Planned Commercial-Residential; (PC-R) - This land use category is designed to provide the potential to accommodate both residential and commercial uses in a well-planned, mixed-use development. Commercial structures and uses shall be developed according to a ~~master~~ planned unit development plan and shall be arranged as a unified development, which may resemble a shopping center, a shopping mall, or a traditional downtown shopping street ("Main Street"). Appropriate commercial uses shall include retail businesses, professional service offices, and other customer-oriented businesses.

The residential density in this category may range from 15 to 30 units per acre (approximately 45 to 85 persons per acre); structures within this land use designation shall have a maximum height of three stories. The FAR for non-residential use within this category shall range from 0.20 to 0.40 with a typical FAR of 0.30.

Development of these properties shall be carefully planned to insure that the benefits of mixed use development are fully realized, and the potential negative impacts of one use or another are minimized. Subdivision or partial development of any properties with this category shall not be approved until a ~~master~~ planned unit development plan for full development of the property has been reviewed and approved.

Industrial-Residential: (I-R) - This category is intended to be developed with both work-space and residential space in the same structure. The work-space will provide lower-cost, leasable space for start-up companies, craft workshops, or other businesses that require less support services or amenities than R&D or office uses. The FAR for the work-space portion of structures shall not exceed 0.50. The residential space will provide living area for persons employed in the work-space, and will generally be located above the work-space (e.g. lofts). The residential density shall not exceed 25 units/acre (approximately 75 persons per acre). Structures in these areas shall not exceed 40 feet in height. Parking requirements for proposed projects shall take into account the different peak-parking demand periods of residential and employment activity.

Industrial: (I) - This category is intended to accommodate heavy industrial uses, refineries, and storage facilities. The FAR range shall be from 0.3 to 0.5, with a typical FAR of 0.40.

Residential Land Use Designations:

These categories reserve property for single family (estate), single family and multi-family residential uses and structures. They may also be developed with uses and structures that support residential uses (e.g. churches, schools, day care homes and centers) and secondary units (pursuant to State law), provided that such will not cause a substantial adverse impact on nearby residences. Potential adverse impacts could include, but need not be limited to, traffic congestion, increased noise, (ambient or episodic) or expected full use of available on-street parking. Residential development on individual properties may be clustered on portions of the property so as to create a mixture of densities or housing types on the property. These "sub-area" densities may exceed the maximum density or may be less than the minimum density stated in these definitions, provided that the overall density is within the ~~range~~ limits stated in these designations.

Single Family - Estate: (SFE) - This land use category is intended to provide sites for "estate" homes on larger lots, and shall be developed with custom-built and individually-designed homes. Secondary units, and uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: RE-1 and RE-1/2.

- Allowable Density: 1-2 units/acre (resulting in an approximate population of 3 to 6 persons per acre)
- Maximum Building Height: 35 feet
- Minimum Parcel Size: 0.5 acre

Single Family - Low Density: (SFL) - This land use category is intended to provide areas for suburban single-family subdivisions. These lots will generally be developed as part of multi-lot "production" subdivisions, where a limited number of models (with two or three different exterior designs) are built on individual lots in a random pattern. Secondary units and uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects.

Conforming zoning district: R-1.

- Allowable Density: 2-7 units/acre (resulting in an approximate population of 6 to 20 persons per acre)
- Maximum Building Height: 35 feet
- Minimum Parcel Size: 6,000 sq. ft., unless a smaller lot size is allowed by an approved planned unit development.

Single-Family - Medium Density: (SFM) - This land use category is intended to provide areas of single family homes on lots that are smaller than a "typical" suburban lot. They may be developed with either single family residences or duets. The size of the lots for each single family residence may range between 4,000 sq. ft. and 7,000 sq. ft. Uses that support

residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: R-1 and R-2.

- Allowable Density: 7-12 units/acre (resulting in an approximate population of 20 to 35 persons per acre)
- Maximum Building Height: 35 feet
- Minimum Parcel Size: 4,000 sq. ft.
- Mid-Range Density: 9 units/acre

Multi-Family - Low Density: (ML) - This land use category is intended to provide sites for low-density multi-family housing. They may be developed with townhouses, condominiums or apartments. The size of each development shall be sufficient to allow for good design and incorporation of amenities. Uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: R-2.

- Allowable Density: 7-12 units/acre (resulting in an approximate population of 20 to 35 persons per acre)
- Mid-Range Density: 9 units/acre
- Maximum Building Height: 45 feet
- Minimum Parcel Size: 3 acres

Multi-Family - Medium Density: (MM) - This land use category is intended to provide areas for multi-family residences (primarily condominiums, apartments, and townhouses). The size of each development shall be sufficient to allow for good design and incorporation of amenities. Uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise or other off-site effects. The higher density in these areas is expected to enable the development of additional affordable housing. Conforming zoning districts: R-3 and R-4.

- Allowable Density: 12-30 units/acre (resulting in an approximate population of 35 to 85 persons per acre)
- Mid-Range Density: 20 units/acre
- Maximum Building Height: 60 feet
- Minimum Parcel Size: 5 acres

Multi-Family - High Density: (MH) - This land use category is intended to provide higher density housing, typically near public transit centers, shopping centers, or other "high activity" areas. The size of each development shall be sufficient to allow for good design and incorporation of amenities. Uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: R-4 and (new) R-5.

- Allowable Density: 30-55 units/acre (resulting in an approximate population of 85 to 160 persons per acre)



- Maximum Building Height: 90 feet
- Minimum Parcel Size: 15 acres

= Mid-Range Density: 42 units/acre